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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/710,852

08/07/2004

Scott Dresden

X-9277

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EXAMINER

AHMED, AFFAF

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

08/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/710,852 | DRESDEN, SCOTT | |
| | Examiner | Art Unit | |
| | AFAF AHMED | 3622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-31 is/are pending in the application.
- 4a) Of the above claim(s) 2-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-31 is/are rejected.
- 7) ☒ Claim(s) 29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on 05/28/2008.
2. Claims 26-31 have been added.
3. Claims 1, 13-17 have been canceled.
4. Claims 2-12, 18-25 have been previously withdrawn.
5. Claims 26-31 are currently pending and have been examined.
6. Previously, rejected claims 13, 14, 16 and 17 under 35 USC § 112 second paragraph, the rejection is moot based on new set of claims submitted.

Response to Applicant's Arguments

7. Applicant's amendment and arguments filed on 05/28/2008 have been fully considered, but are moot in view of the new ground(s) of rejection.

Claim Objections

8. Claim 29 is objected to because the same number is used to number two claims sequentially. The second claim 29 is intended to be numbered as claim 30. Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
11. Claims 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson, US Pat No: 6,470,079 B1 in view of Pizaris –Henderson et al, US Pub No: 2003/0220866 A1.

Claims 26 and 31:

Benson discloses:

- *placing an advertisement for a product or service on an advertisement medium, the advertisement including a telephonic number for contacting a vendor in order to obtain the product or service (see at least column 5, lines 19-44);*
- *enabling a potential customer to place a telephone call by entering the telephonic number into a telecommunications network (see at least column 5, lines 45-58);*
- *obtaining the identification code from the telecommunications network and using the identification code to update a database, which is accessible by the particular one of the plurality of vendors, in order to obtain performance information indicating the effectiveness of the advertisement (see at least column 5, lines 66-67 and column 6, lines 1-67);*

Benson does not specifically disclose, but Pizaris –Henderson, however discloses:

- *the advertisement including an identification code of the advertisement; and*
- *enabling the potential customer to cause the identification code to be entered into the telecommunications network; based on information other than the telephonic number, selecting a particular one of a plurality of vendors and routing the telephone call to the particular one of the plurality of vendors.*

See at least paragraph 42.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Benson's features of real-time reporting of advertising effectiveness with an identification code for advertisements and allowing consumers to select a particular vendor with the motivation of directing consumers to the right entity to get the right campaign.

Claims 27-29:

Benson/ Pizaris –Henderson disclose the limitation as shown above.

Benson further discloses:

- *information relating to plurality of vendors and potential customers; geographical information (see at least column 3, lines 52-67, column 4, lines (1-13 and 62-67) and column 5, lines 1-17);*

Benson does not specifically disclose, but Pizaris –Henderson, however, does disclose:

- *advertisement code identification (see at least paragraph 42).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Benson's features of real-time reporting of advertising effectiveness with Pizaris – Henderson use of numerical code to identify specific advertisements with the motivation of providing advertisers with specific data to each advertisement within specific geographic areas.

Claim 30:

Benson/ Pizaris –Henderson disclose the limitation as shown above.

Benson does not disclose, but Pizaris –Henderson, however, does disclose:

- *wherein the advertisement medium and the telecommunications network is an Internet (see at least paragraphs 34 and 39).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Benson's features of real-time reporting of advertising effectiveness with Pizaris – Henderson use of numerical code to identify specific advertisements with the motivation of providing advertisers with specific data to each advertisement within specific geographic areas.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS from the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX Months from the mailing date of this final.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Affaf Ahmed whose telephone number is 571-270-1835. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached at 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A.A./

Examiner, Art Unit 3622

/Yehdega Retta/

Primary Examiner, Art Unit 3622